

U.S. Laws Statutes etc. Vital Statistics Registration Law. H 38 C 2 1917 2012

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CALIFORNIA STATE BOARD OF HEALTH  
BUREAU OF VITAL STATISTICS

Vital Statistics  
Registration Law



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## OUTLINE.

### Registration Law of 1915, as Amended in 1917.

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- Sec. 2. Authority of state registrar under state board of health.
- Sec. 3. Each city a registration district. Provision for rural districts.
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### Additional Provisions Relating to Marriages.

- Civil Code § 69a. Certificate of marriage to be filled out in presence of county clerk issuing marriage license.
- Pol. Code § 3074. State bureau of vital statistics. Duty of state registrar.
- Pol. Code § 3076. Certificate of marriage. Contents. To be filed by person performing ceremony within three days thereafter.
- Pol. Code § 3078. Duty of county recorder. Examine certificates, keep copies, transmit originals.
- Pol. Code § 3079. Fee of county recorder. Quarterly certification by state registrar.
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*An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the state bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of state and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the officers of state and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith.*

[Statutes of California, 1915, Chapter 378, page 575; approved May 19, 1915; in effect August 8, 1915. As amended, Statutes of 1917, Chapter 548, page —; approved May 18, 1917; in effect July 27, 1917. Sections 1, 2, 3, 4, 5, 7, 10, 13, 14, 18, 21 and 23 of Act of 1915 modified by amendatory Act of 1917.]

*The people of the State of California do enact as follows:*

**State bureau of vital statistics. State registrar and assistants.**

SECTION 1. The state board of health shall maintain a bureau of vital statistics which shall have charge of such matters and shall have such powers as may from time to time be referred and delegated to it by the state board of health. The board shall appoint a state registrar who, by virtue of his office, shall be director of the bureau of vital statistics. His salary shall be two thousand four hundred dollars per annum. The state registrar shall be a competent vital statistician. He shall have general supervision and control over the bureau of vital statistics. He shall devote his entire time to the duties of his office and shall not engage in any other occupation or business. The board shall appoint also a deputy statistician, whose salary shall be one thousand six hundred dollars per annum, and two copyists, each of whom shall receive a salary of nine hundred dollars per annum. All such salaries shall be paid in the same manner and at the same time as the salaries of state officers. The state board of health may appoint and fix the compensation of such other additional professional and clerical assistants as may be necessary for the purposes of this act, but such compensation shall be paid from its fund for contingent expenses, as provided in the general appropriation act. As soon as practicable the custodian of the capitol shall provide for the bureau of vital statistics in the state capitol at Sacramento, suitable offices, which shall be properly equipped with fireproof vault and filing cases for the permanent and safe preservation of all official records made and returned under this act. [As amended, 1917.]

**Authority of state registrar under state board of health.**

SEC. 2. The state registrar shall under the direction of the state board of health have charge of the registration of births, deaths, and marriages, shall prepare forms and blanks with instructions for obtaining and preserving such records and shall procure the faithful registration of the same in each primary registration district as constituted in section three of this act, and in the bureau of vital statistics of the state board of health at the capital of the state. The said board shall be charged with the uniform and thorough enforcement of the law throughout the state, and shall promulgate any additional regulations. [As amended, 1917.]

**Each city a registration district. Provision for rural districts.**

SEC. 3. For the purposes of this act the state shall be divided into registration districts as follows: each city and county, city and incorporated town, shall constitute a primary registration district; and each county, exclusive of the cities and incorporated towns therein, may be subdivided by the state registrar into a sufficient number of primary rural registration districts, the boundaries of which he shall define and which he may alter, combine, or subdivide from time to time as may be necessary to promote efficient and convenient registration of all births and deaths. [As amended, 1917.]

**City registrar the clerk or health officer (in chartered city). Rural registrars appointed for four-year terms. County records. Deputy registrars. Subregistrars.**

SEC. 4. The clerk of each city and county, city and incorporated town, shall be the local registrar in and for such primary registration district and shall perform all such duties of local registrar as hereinafter provided; *provided, however*, that in cities having a freeholders' charter, the health officer may act as local registrar

and perform all the duties thereof. The state registrar, subject to the approval of the state board of health or its secretary, shall appoint a local registrar for each primary rural district whose term of office shall be four years, and whom the state registrar may remove forthwith for failure or neglect to perform his duty as prescribed by this act. Each local registrar for a primary rural district, besides transmitting to the state registrar each original birth and death certificate registered by him and besides retaining a complete and accurate copy of each such birth and death certificate for the local record of the primary rural district as required by section nineteen of this act, shall also transmit to the recorder of the county for a special county record a complete and accurate copy of each original birth and death certificate transmitted by said local registrar to the state registrar; *provided, further*, that in accordance with sections three thousand seventy-six, three thousand seventy-eight, and three thousand seventy-nine of the Political Code, the county recorder shall be the sole local registrar for marriages performed anywhere in the county. Each local registrar shall immediately appoint a deputy in writing, whose duty it shall be to act in his stead in case of his absence or disability; and such deputy shall in writing accept such appointment, and be subject to all rules and regulations governing local registrars. And when it appears necessary for the convenience of the people in any registration district, the local registrar is hereby authorized, with the approval of the state registrar, to appoint one or more suitable persons to act as subregistrars, who shall be authorized to receive certificates and to issue burial or removal permits in and for such portions of the district as may be designated; and each subregistrar shall note, on each certificate, over his signature, the date of filing, and shall forthwith forward all certificates to the local registrar of the district, and in all cases before the third day of the following month; *provided*, that each subregistrar shall be subject to the supervision and control of the state registrar, and may be by him removed for neglect or failure to perform his duty in accordance with the provisions of this act or the rules and regulations of the state registrar, and shall be subject to the same penalties for neglect of duty as the local registrar. [*As amended, 1917.*]

**Permit from local registrar before burial or other disposition of dead body.**

SEC. 5. The body of any person whose death occurs in this state, or which shall be found dead therein or which shall be brought in from outside the state, shall not be interred, deposited in a vault or tomb, cremated, disinterred\* or otherwise disposed of, or removed from or into any registration district, or be temporarily held pending further disposition more than seventy-two hours after death, unless a permit for burial, removal, or other disposition thereof shall have been properly issued by the local registrar of the registration district in which the death occurred or the body was found; *provided*, that nothing in this act shall be construed to prevent an undertaker from removing a body from the registration district where the death occurred or the body was found to a contiguous registration district in the same or an adjoining county in an undertaker's conveyance for the purpose of preparing said body for burial or shipment. A removal permit must be secured within forty-eight hours and before embalming the body. No body where death occurred from any disease held by the state board of health to be infectious, contagious or communicable and dangerous to the public health shall be removed without first securing a removal permit in the manner provided in section nineteen of this act. And no such burial or removal permit shall be issued by any registrar until, wherever practicable, a complete and satisfactory certificate of death has been filed with him as hereinafter provided; *provided*, that when a dead body is transported from outside the state into a registration district in California for burial, the transit or removal permit, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the body has been transported for burial or other disposition, as a basis upon which he may issue a local burial permit, noting upon the face of the burial permit the fact that it was a body shipped in for interment, and giving the actual place of death; and no local registrar shall receive any fee for the issuance of burial or removal permits under this act other than the compensation provided in section twenty. [*As amended, 1917.*]

**Stillborn child registered as birth and also as death.**

SEC. 6. A stillborn child shall be registered as a birth and also as a death, and separate certificates of both the birth and the death shall be filed with the local

\*NOTE.—For additional local disinterment regulations see General Laws, Act 545, approved April 1, 1878, and amended, Statutes 1917, Chapter 37.



registrar, in the usual form and manner, the certificate of birth to contain in place of the name of the child, the word "stillbirth"; *provided*, that a certificate of birth and a certificate of death shall not be required for a child that has not advanced to the fifth month of uterogestation. The medical certificate of the cause of death shall be signed by the attending physician, if any, and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, whether a premature birth, and, if born prematurely, the period of uterogestation, in months, if known; and a burial or removal permit of the prescribed form shall be required. Midwives shall not sign certificates of death for stillborn children; but such cases, and stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance, as provided for in section eight of this act. [As enacted, 1915.]

**Certificate of death. Contents. Duty of physician last in attendance.**

SEC. 7. The certificate of death shall contain the following items, which are hereby declared to be necessary for the legal, social, and sanitary purposes subserved by registration records:

(1) Place of death, including state, county, township, village or city. If in a city, the ward, street, and house number; if in a hospital or other institution, the name of the same to be given instead of the street and house number. If in an industrial camp, the name of the camp to be given.

(2) Full name of decedent. If an unnamed child, the surname preceded by "unnamed."

(3) Sex.

(4) Color or race—as white, black, mulatto (or other Negro descent), Indian, Chinese, Japanese, or other.

(5) Conjugal condition—as single, married, widowed or divorced.

(5a) Husband of -----

(5b) Wife of -----

(6) Date of birth, including the year, month, and day.

(7) Age, in years, months and days. If less than one day, the hours or minutes.

(8) Occupation. The occupation to be reported of any person, male or female, who had any remunerative employment with the statement of (a) trade, profession or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).

(9) Birthplace; at least state or foreign country, if known.

(10) Name of father.

(11) Birthplace of father; at least state or foreign country, if known.

(12) Maiden name of mother.

(13) Birthplace of mother; at least state or foreign country, if known.

(14) Signature and address of informant.

(15) Official signature of registrar, with the date when certificate was filed, and registered number.

(16) Date of death, year, month, and day.

(17) Certification as to medical attendance on decedent, fact and time of death, time last seen alive, and the cause of death, with contributory (secondary) cause of complication, if any, and duration of each, and whether attributed to dangerous or insanitary conditions of employment; signature and address of physician or official making the medical certificate.

(18) Length of residence (for inmates of hospitals and other institutions; transients or recent residents) at place of death and in California, together with the place where disease was contracted if not at the place of death, and former or usual place of residence (giving city and state of residence).

(19) Place of burial or removal; date of burial.

(20) Signature and address of undertaker or person acting as such and license number of embalmer.

The personal and statistical particulars (items one to thirteen) shall be authenticated by the signature of the informant who may be any competent person acquainted with the facts.

The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, and said physician shall within fifteen hours after the death deposit the certificate at the place of death, or deliver it to the attending undertaker at his place of business or at the office of said physician. Said physician

shall specify in the certificate the time in attendance, the time he last saw the deceased alive and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause) and the contributory (secondary) cause, if any, and the duration of each. Indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, will not be held sufficient for the issuance of a burial or removal permit; and any certificate containing only such terms, as defined by the state registrar, shall be returned to the physician or person making the medical certificate for correction and more definite statement. Causes of death which may be the result of either disease or violence shall be carefully defined; and if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal, or homicidal. And for deaths of nonresidents, transients or recent residents in hospitals or institutions, the physician shall supply the information required under this head (item eighteen), if he is able to do so, and shall state where, in his opinion, the disease was contracted. [*As amended, 1917.*]

**Death without medical attendance certified to by coroner.**

SEC. 8. In case of any death occurring without medical attendance, or continued absence of the attending physician it shall be the duty of the undertaker to notify the coroner or other proper official of such death for investigation and certification. And the coroner or other proper officer whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the name of the disease causing death, or if from external causes (1) the means of death; and (2) whether (probably) accidental, suicidal, or homicidal; and shall, in any case, furnish such information as may be required by the state registrar in order properly to classify the death. In every case the certificate must contain as many facts required by this act as can be ascertained. [*As enacted, 1915.*]

**Undertaker responsible for filing certificate of death.**

SEC. 9. The undertaker, or person acting as undertaker, shall file the certificate of death with the local registrar of the district in which the death occurred and obtain a burial or removal permit prior to any disposition of the body. He shall obtain the required personal and statistical particulars from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the coroner or other proper official either directly or as directed by the local registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in sections seven and eight. And he shall then state the facts required relative to the date and place of burial or removal, over his signature and with his address, and present the completed certificate to the local registrar in order to obtain a permit for burial, removal or other disposition of the body. The undertaker shall deliver the burial permit to the person in charge of the place of burial, before interring or otherwise disposing of the body; or shall attach the removal permit to the box containing the corpse, when shipped by any transportation company; said permit to accompany the corpse to its destination, where, if within the State of California, it shall be delivered to the person in charge of the place of burial.

Every person, firm, or corporation selling a casket shall keep a record showing the name of the purchaser, purchaser's post-office address, name of deceased, date of death, and place of death of deceased, which record shall be open to inspection of the state registrar at all times. On the first day of each month the person, firm, or corporation selling caskets shall report to the state registrar each sale for the preceding month, on a blank provided for that purpose; *provided, however*, that no person, firm or corporation selling caskets to dealers or undertakers only shall be required to keep such record, nor shall such report be required from undertakers when they have direct charge of the disposition of a dead body.

Every person, firm, or corporation selling a casket at retail, and not having charge of the disposition of the body, shall inclose within the casket a notice furnished by the state registrar calling attention to the requirements of the law, a blank certificate of death, and the rules and regulations of the state board of health concerning the burial or other disposition of a dead body. [*As enacted, 1915.*]

**Burial or transit permit valid anywhere in state.**

SEC. 10. If the interment, or other disposition of the body is to be made within the state, the wording of the burial or removal permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove, or dispose otherwise of the body, stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the state registrar; *provided*, that the transit permit prescribed by the state board of embalmers may be used in lieu of said burial or removal permit. [*As amended, 1917.*]

**Duty of sexton or other person in charge of cemetery.**

SEC. 11. No person in charge of any premises on which interments are made shall inter or permit the interment or other disposition of any body unless it is accompanied by a burial, removal or transit permit, as herein provided. And such person shall indorse upon the permit the date of interment, over his signature, and shall return all permits so indorsed to the local registrar of his district within ten days from the date of interment. He shall keep a record of all bodies interred or otherwise disposed of on the premises under his charge, in each case stating the name of each deceased person, place of death, date of burial or disposal, and name and address of the undertaker; which record shall at all times be open to official inspection; *provided*, that the undertaker or person acting as such, when burying a body in a cemetery or burial ground having no person in charge, shall sign the burial or removal permit, giving the date of burial, and shall write across the face of the permit the words "No person in charge," and file the burial or removal permit within ten days with the registrar of the district in which the cemetery is located. [*As enacted, 1915.*]

**Registration of each birth peremptorily required.**

SEC. 12. The birth of each and every child born in this state shall be registered as hereinafter provided. [*As enacted, 1915.*]

**Birth certificate to be filed within thirty-six hours by attending physician or midwife. Additional report within ten days by father or mother, householder, or institution manager or superintendent.**

SEC. 13. Within thirty-six hours after the date of each birth, there shall be filed with the local registrar of the district in which the birth occurred a certificate of such birth, which certificate shall be upon the form adopted by the state board of health with a view to procuring a full and accurate report with respect to each item of information enumerated in section fourteen of this act.

In sparsely-settled districts or where there is no direct mail communication with the county seat a reasonable time shall be fixed by the local registrar.

In each case where a physician, or midwife, or person acting as midwife, was in attendance upon the birth, it shall be the duty of such physician to file in accordance herewith the certificate herein contemplated.

In case no physician was in attendance it shall be the duty of the midwife or person acting as midwife to file such certificate.

In every case it shall be the duty of the father or mother of the child, the householder or owner of the premises where the birth occurred or the manager or superintendent of the public or private institution where the birth occurred, each in the order named, within ten days after the date of such birth, to report to the local registrar the fact of such birth. In such case and in case the physician, midwife, or person acting as midwife, in attendance upon the birth is unable, by diligent inquiry, to obtain any item or items of information contemplated in section fourteen of this act, it shall then be the duty of the local registrar to secure from the person so reporting, or from any other person having the required knowledge, such information as will enable him to prepare the certificate of birth herein contemplated, and it shall be the duty of the person reporting the birth or who may be interrogated in relation thereto to answer correctly and to the best of his knowledge all questions put to him by the local registrar which may be calculated to elicit any information needed to make a complete record of the birth as contemplated by said section fourteen, and it shall be the duty of the informant as to any statement made in accordance herewith to verify such statement by his signature, when requested so to do by the local registrar. [*As re-enacted, 1917.*]

**Certificate of birth. Contents.**

SEC. 14. The certificate of birth shall contain the following items, which are hereby declared necessary for the legal, social, and sanitary purposes subserved by registration records:

(1) Place of birth, including state, county, township or town, village or city. If in a city, the ward, street and house number; if in a hospital or other institution, the name of the same to be given, instead of the street and house number.

(2) Full name of child. If the child dies without a name, before the certificate is filed, enter the words "died unnamed." If the living child has not yet been named at the date of filing certificate of birth, the space for "full name of child" is to be left blank, to be filled out subsequently by a supplemental report, as hereinafter provided.

(3) Sex of child.

(4) Whether a twin, triplet, or other plural birth. A separate certificate shall be required for each child in case of plural births.

(5) For plural births, number of each child in order of birth.

(6) Date of birth, including the year, month, and day.

(7) Full name of father.

(8) Residence of father (giving city and state of residence).

(9) Color or race of father.

(10) Age of father at last birthday, in years.

(11) Birthplace of father; at least state or foreign country, if known.

(12) Occupation of father. The occupation to be reported if engaged in any remunerative employment, with the statement of (a) trade, profession, or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).

(13) Maiden name of mother.

(14) Residence of mother (giving city and state of residence).

(15) Color or race of mother.

(16) Age of mother at last birthday, in years.

(17) Birthplace of mother; at least state or foreign country, if known.

(18) Occupation of mother. The occupation to be reported if engaged in any remunerative employment, with the statement of (a) trade, profession, or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).

(19) Number of children born to this mother, including present birth.

(20) Number of children of this mother living.

(21) The certification of attending physician or midwife as to attendance at birth, including statement of year, month, day (as given in item seven), and hour of birth, and whether the child was born alive or stillborn. This certification shall be signed by the attending physician or midwife, with date of signature and address; if there is no physician or midwife in attendance, then by the father or mother of the child, householder, owner of the premises, or manager or superintendent of public or private institution where the birth occurred, or other competent person, whose duty it shall be to notify the local registrar of such birth, as required by section thirteen of this act.

(22) Exact date of filing in office of local registrar, attested by his official signature, and registered number of birth, as hereinafter provided. [*As amended, 1917.*]

**Supplemental report of given name of child.**

SEC. 15. When any certificate of birth of a living child is presented without the statement of the given name, then the local registrar shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the local registrar as soon as the child shall have been named. [*As enacted, 1915.*]

**Physicians, midwives and undertakers to register with local registrars.**

SEC. 16. That every physician, midwife, and undertaker shall, without delay, register his or her name, address and occupation with the local registrar of the district in which he or she resides, or may hereafter establish a residence; and shall thereupon be supplied by the local registrar with a copy of this act, together with such rules and regulations as may be prepared by the state registrar relative to its enforcement. Within thirty days after the close of each calendar year each local registrar shall make a return to the state registrar of all physicians, midwives, or undertakers

who have been registered in his district during the whole or any part of the preceding calendar year; *provided*, that no fee or other compensation shall be charged by local registrars to physicians, midwives, or undertakers for registering their names under this section or making returns thereof to the state registrar. [*As enacted, 1915.*]

**Hospital and institution superintendents or managers to keep records of inmates for filling out of birth and death certificates.**

SEC. 17. All superintendents or managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases, confinement, or are committed by process of law, shall make a record of all the personal and statistical particulars relative to the inmates in their institutions at the date of approval of this act, which are required in the forms of the certificates provided for by this act, as directed by the state registrar; and thereafter such record shall be, by them, made for all future inmates at the time of their admittance. And in case of persons admitted or committed for treatment of disease, the physician in charge shall specify for entry in the record, the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself if it is practicable to do so; and when they can not be so obtained, they shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the facts. [*As enacted, 1915.*]

**State registrar to prepare and distribute forms and blanks. Additional local record for residents of cities of 2,500 population who may die or have child born in another registration district.**

SEC. 18. The state registrar shall prepare and distribute all forms and blanks for use in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other forms or blanks shall be used than those prepared by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory. Whenever a certificate is returned by a local registrar other than the registrar of the district in which the deceased resided, in the case of a death, or in which the father and mother of a child reside, in the case of a birth certificate, if the place of residence is a city within this state and having at least two thousand five hundred inhabitants at the last federal census, the state registrar shall mail to the local registrar of such city of residence, a complete copy of the certificate. And all physicians, midwives, informants, undertakers, clergymen, or judges, and all other persons having knowledge of the facts, are hereby required to supply, upon the forms provided or upon the original certificate, such information as they may possess regarding any birth or death or marriage upon demand of the state registrar, in person, by mail, or through the local registrar; *provided*, that no certificate of birth or death or marriage, after its acceptance for registration by the local registrar, and no other record made in pursuance of this act, shall be altered or changed in any respect, except where supplemental information required for statistical purposes is furnished.

**Correction of record made upon authority of affidavits by filing amended certificate. Preservation and indexing of records.**

(a) Whenever it may be alleged that the facts are not correctly stated in any certificate of birth, death, or marriage, already registered, the local registrar shall require an affidavit under oath to be made by the person asserting the fact, setting forth the changes necessary to make the record correct, and supported by the affidavit of one other credible person having knowledge of the facts. Having received such affidavits, the local registrar shall file them together with an amended certificate and he shall note the fact of the amendment with its date on the margin of the otherwise unaltered original certificate. He shall transmit the original certificate with the affidavits and amended certificate attached when making his regular monthly returns to the state registrar. He shall also retain copies for his files. If the correction relates to a certificate previously returned to the state registrar the local registrar shall forthwith transmit the affidavits to the state registrar. If the correction is first made in the state bureau of vital statistics the state registrar shall transmit a certified copy of the amended certificate to the local registrar.

The state registrar shall further arrange, bind and permanently preserve the certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous card index of all births and deaths registered; said index to be arranged alphabetically, in the case of deaths, by the names of decedents, and in the case of births, by the names of fathers and maiden names of mothers, and in the case of marriages by the names of both grooms and brides. He shall inform all registrars what diseases are to be considered infectious, contagious, or communicable and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread. If any cemetery company or association, or any church or historical society or association, or any other company, society or association, or any individual, is in possession of any record of births or deaths which may be of value in establishing the genealogy of any resident of his state, such company, society, association or individual, may file such record or a duly authenticated transcript thereof with the state registrar, and it shall be the duty of the state registrar to preserve such record or transcript and to make a record and index thereof in such form as to facilitate the finding of any information contained therein. Such record and index shall be open to inspection by the public, subject to such reasonable conditions as the state registrar may prescribe. If any person desires a transcript of any record filed in accordance herewith, the state registrar shall furnish the same upon application, together with a certificate that it is a true copy of such record, as filed in his office. [*As amended, 1917.*]

**Duties of local registrar.** Supply blanks, examine certificates, keep copies, transmit originals.

SEC. 19. Each local registrar shall supply blank forms of certificates to such persons as require them. Each local registrar shall carefully examine each certificate of death when presented for record in order to ascertain whether or not it has been made out in accordance with the provisions of this act and the instructions of the state registrar; and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defects in the return, and to withhold the burial or removal permit until such defects are corrected. All certificates, either of birth or of death, shall be written legibly, in durable black ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission. If the certificate of death is properly executed and complete, he shall then issue a permit for removal, burial or other disposition of the body to the undertaker; *provided*, that in case the death occurred from some disease which is held by the state board of health to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be issued by the registrar, except under such conditions as may be prescribed by the state and local boards of health. If a certificate of birth is incomplete, the local registrar shall immediately notify the informant, and require him to supply the missing items of information if they can be obtained. He shall number consecutively the certificates of birth and death, in two separate series, beginning with number 1 for the first birth and the first death occurring in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and each death certificate registered by him in a record book containing forms identical with the original certificates and to be preserved permanently in his office as the local record. And he shall, on the fifth day of each month, transmit to the state registrar all original certificates registered by him for the preceding month. And if no births or no deaths occurred in any month, he shall, on the fifth day of the following month report that fact to the state registrar on a blank provided for such purpose. [*As enacted, 1915.*]

**Fee of local registrar.** Quarterly certification to county treasurer by state registrar.

SEC. 20. Each local registrar shall be paid the sum of twenty-five cents for each birth certificate and each death certificate properly and completely made out and registered with him, and correctly recorded and promptly returned by him to the state registrar, as required by this act, out of which fees he shall pay the sub-registrar the sum of fifteen cents in cases where the certificate is registered with the sub-registrar. And in case no births or no deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report to that effect, but only if such report be made promptly as required

by this act. All amounts payable to a local registrar under the provisions of this section shall be paid by the treasurer of the county in which the registration district is located, upon certification by the state registrar. And the state registrar shall quarterly certify to the treasurers of the several counties the number of births and deaths properly registered, with the names of the local registrars and the amounts due each at the rates fixed herein. [*As enacted, 1915.*]

**Certified copies of searches of records for fifty-cent fee. Disposition of funds.**

SEC. 21. The state or local registrar shall forthwith upon request supply to any applicant a certified copy of the record of any birth or death or marriage registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. And any such copy of the record of a birth or death or marriage when properly certified by the state or local registrar, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made the state registrar or local registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search, such fee to be paid by the applicant. The state registrar shall keep a true and correct account of all fees by him received under these provisions, and such money so received by the state registrar shall be deposited with the state treasurer, who shall credit the amount to the fund provided and to be used for the payment of the traveling and contingent expenses of the state board of health, and the money so collected by the local registrar shall be paid by him into the county or city treasury, as the case may be; *provided*, that the local registrar shall, upon request of any parent or guardian, supply, without fee, a certificate limited to a statement as to the date of birth of any child when the same shall be necessary for admission to school, or for the purpose of securing employment; *and provided, further*, that the United States census bureau may obtain, without expense to the state, transcripts of births and deaths without payment of the fees herein prescribed.

**Superior court procedure for establishing fact of birth or death or marriage not registered within one year of occurrence of event.**

(b) If, upon such search it shall develop that for any cause any birth or death, or marriage, occurring in this state was not registered in conformity with the provisions of law in effect at the time when such birth or death or marriage occurred by the filing of the certificate therefor with the local registrar within a period of one year from the date of the event, any person beneficially interested in establishing of record the fact of such birth or death or marriage may petition the superior court of the county in which such birth or death or marriage is alleged to have occurred for an order judicially establishing the fact of such birth or death or marriage. Such petition shall be verified and shall contain all the data necessary to enable the court, upon hearing the same, to determine the fact of such birth or death or marriage upon the proofs adduced in behalf of the petitioner at the hearing thereof. A copy of such petition shall be served upon the local registrar of vital statistics, and also upon the district attorney of the county in which such birth or death or marriage is alleged to have occurred, and either of said officials shall have the right in his discretion to appear at such hearing and oppose the making of such order. Such hearing shall be had at such time as the court may appoint, not less than ten days subsequent to the date of filing such petition, and notice thereof must be given by publication for the same time and in the same manner required by law to be given prior to the hearing of the petition for the admission to probate of any will, or the issuance of letters testamentary or of administration thereon.

If, upon such hearing, the proofs of the allegations of the petition are established, to the satisfaction of the court, the court may make an order determining that such birth, death or marriage did in fact occur in such county and at the time shown by the proofs adduced upon such hearing.

Such order must be made in the form and upon the blank prescribed and furnished by the state registrar and but one birth, death or marriage may be included therein. And said order shall become effective upon the filing of a certified copy thereof with the local registrar of vital statistics, and the delivery therewith for transmittal to the state registrar of a standard certificate containing such facts and signatures as are obtainable, and upon the filing of a certified copy of said order with the state registrar. [*As amended, 1917.*]

Penalty provisions against any violation of registration law. Fine or imprisonment, or both.

SEC. 22. Any person, who for himself or as an officer, agent, or employee of any other person, or of any corporation or partnership, (a) shall inter, cremate, or otherwise finally dispose of the dead body of a human being, or permit the same to be done, or shall remove said body from the primary registration district in which the death occurred or the body was found, except as provided in section five of this act without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or (b) shall refuse or fail to furnish correctly any information in his possession, or shall furnish false information affecting any certificate or record, required by this act; or (c) shall wilfully alter, otherwise than is provided by section eighteen of this act, or shall falsify any certificate of birth or death, or any record established by this act; or (d) being required by this act to fill out a certificate of birth or death and file the same with the local registrar, or deliver it, upon request, to any person charged with the duty of filing the same, shall fail, neglect, or refuse to perform such duty in the manner required by this act; or (e) being a local registrar, deputy registrar, or subregistrar, shall fail, neglect, or refuse to perform his duty as required by this act and by the instructions and direction of the state registrar thereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof shall for the first offense be fined not less than five dollars nor more than fifty dollars and for each subsequent offense not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not more than sixty days, or be both fined and imprisoned in the discretion of the court. [*As enacted, 1915.*]

Local registrar to enforce law under supervision of state registrar. Prosecutions at instance of state board of health or secretary.

SEC. 23. Under the supervision and direction of the state registrar, each local registrar is hereby charged with the strict and thorough enforcement of the provisions of this act in his registration district. He shall make an immediate report to the state registrar of any violation of this law coming to his knowledge, by observation or upon complaint of any person, or otherwise.

The state registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the state, and is hereby granted supervisory power over local registrars, deputy local registrars, and subregistrars, to the end that all of its requirements shall be uniformly complied with. The state registrar, either personally or by an accredited representative, shall have authority to investigate cases of irregularity or violation of law. When the state board of health or its secretary shall deem it necessary, it or he shall report cases of violation of any of the provisions of this act to the prosecuting attorney of the county, with a statement of the facts and circumstances; and when any such case is reported to him by the state board of health or its secretary, the prosecuting attorney shall forthwith initiate and promptly follow up the necessary court proceedings against the person or corporation responsible for the alleged violation of law. And upon request of the state board of health or its secretary, the attorney general shall assist in the enforcement of the provisions of this act. [*As amended, 1917.*]

Repealing clause.

SEC. 24. All acts and parts of acts in conflict with this act are hereby repealed. [*As enacted, 1915.*]

## ADDITIONAL PROVISIONS RELATING TO MARRIAGES.

### CIVIL CODE.

Certificate of marriage to be filled out in presence of county clerk issuing marriage license.

§ 69a. All persons about to be joined in marriage must obtain from the county clerk of the county in which the marriage is to be celebrated, in addition to the license therefor provided for in section sixty-nine of the Civil Code, a certificate of registry as provided in section three thousand and seventy-six of the Political Code which shall contain among other matters as near as can be ascertained, the race, color, age, name and surname, birthplace, residence of the parties, maiden name of the female, if previously married, the names and birthplaces of the parents of each,



and the maiden name of the mother of each, which said certificate of registry shall be filled out as herein provided in the presence of the county clerk issuing the marriage license and shall then be presented to the person performing the ceremony and shall be filed by him with the county recorder within three days after the ceremony. [*As enacted, 1909.*]

#### POLITICAL CODE.

**State bureau of vital statistics. Duty of state registrar.**

§ 3074. The state board of health shall maintain, at the city of Sacramento, a bureau of vital statistics for the complete and proper registration of births, marriages and deaths, for legal, sanitary and statistical purposes, which bureau shall be under the supervision of the state registrar of vital statistics. The duty of the state registrar of vital statistics shall be to promulgate and enforce all rules and regulations required to carry out the provisions of this chapter and that may be adopted from time to time by the state board of health. [*As amended, 1917.*]

**Certificate of marriage. Contents. To be filed by person performing ceremony within three days thereafter.**

§ 3076. All persons who perform the marriage ceremony in this state shall within three days after the ceremony file with the county recorder a certificate of registry of the marriage performed by them in such form as may be prescribed by the state registrar which shall contain among other matters as near as can be ascertained, the place and date of marriage, sex, race, color, age, name and surname, birthplace, residence of the parties married, number of marriage and condition of each, whether single, widowed, or divorced, the occupation of the parties, maiden name of the female, if previously married, the names and birthplace of the parents of each and the maiden name of the mother of each. [*As amended, 1905.*]

**Duty of county recorder. Examine certificates, keep copies, transmit originals.**

§ 3078. It shall be the duty of every county recorder to receive without fee or charge each certificate of registry of marriage \* \* \* ; to make a complete and accurate copy of each certificate registered by him, upon a form identical with the original certificate, to be filed and permanently preserved in his office as the local record of such marriage \* \* \*, in such manner as directed by the state registrar. The recorder \* \* \* must carefully examine each report, and register the same marriage \* \* \* but once, although it may be reported by different persons. The certificates shall be numbered by him and entered in the order in which they are reported to him, beginning with number one for the first \* \* \* marriage in each calendar year. He shall also sign his name as registrar in attest of the date of filing in his office. On or before the fifth day of each month each recorder \* \* \* shall transmit by United States mail, carefully enclosed in appropriate envelopes or wrappers, addressed to the state registrar at Sacramento, or shall personally deliver to him at his office in Sacramento, on or before the fifth day of each month, the original certificate of \* \* \* marriage, filed with him during the preceding month. The state registrar shall thereupon file said original certificates of marriage \* \* \*, and cause the same to be separately and systematically indexed. [*As amended, 1907.*]

**Fee of county recorder. Quarterly certification by state registrar.**

§ 3079. For their services as required by section 3078 of this code, county recorders \* \* \* shall, in addition to their compensation for the other duties of their office, be allowed by the board of supervisors, ten cents for each name registered and reported to the state registrar, which sum shall be paid out of the general fund of the county upon warrants issued quarterly and signed by the county auditor and approved by the state registrar, which warrants shall specify the number of certificates of marriages \* \* \* properly registered and filed with the state registrar. [*As amended, 1905.*]

**Penalty for failure to perform duty.**

§ 3082. Any officer or person upon whom a duty is imposed under this chapter who fails, neglects or refuses to perform any of the duties imposed upon him under this chapter or by the instructions and directions of the state registrar shall be deemed guilty of a misdemeanor and upon conviction shall be punished in the same manner as other misdemeanors provided in the Penal Code. [*As amended, 1905.*]

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